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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,119	03/08/2005	Marco Van As	NL 020906	3180
24737	7590	11/18/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			RO, BENTSU	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,119	<b>Applicant(s)</b> VAN AS ET AL.	
	<b>Examiner</b> Bentsu Ro	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## FIRST OFFICE ACTION

1. Specification correction is required as follows:

In specification page 5, line 24, change the word "commuting" to --commutating--.

2. Drawing correction is required as follows:

In Figs. 2, 8 and 13, label the function of each box. For example, in Fig. 2, label box 50 as "motor"; box 57 as "zone detector"; box 20 as "electronic circuit"; in Fig.13, label box 110 as "comparator"; etc.

If box is too small, the legend can be placed outside the box.

3. Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

4. Applicant should amend claim 1 as follows:

- Claim 1, line 1, change the words "a motor" to --a disc motor--.
- Claim 1, last line, change the phrase "said angle measurer" to --said angle measuring device--.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hans US Patent No. 5,317,241.

Claims read onto Hans teaching as follows:

The claims:	Hans teaching:
<p>1. (and similar method claim 12) A rotating data carrier,</p> <p>which can be processed in an apparatus having a motor for rotating it</p> <p>and an angle measuring device for providing the angular position of the rotary part of the disc motor, which angular position is needed for the commutation of the motor,</p> <p>characterized in that marks are placed on it for determining the angle by said angle measurer.</p>	<p>Fig. 1 shows a rotary drive for a data carrier, see title;</p> <p>the rotary drive includes a motor 1 for rotating a data carrier 10;</p> <p>Fig. 1 shows a read head 16;</p> <p>Fig. 1, on the data carrier 10, there are marks 15 for determining the angle (or position) of rotor 7 of the motor 1; also see column 3, lines 45-47.</p>
<p>2. A data carrier as claimed in claim 1 characterized in that the marks are formed by, at least, a zone placed on the carrier.</p>	<p>the marks 15 are formed at a certain zone of the carrier.</p>
<p>3. A data carrier as claimed in claim 1 or 2, characterized in that the data carrier is an optical disc.</p>	<p>column 3, line 6 suggested the use of an optical disc.</p>

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

Bentsu Ro  
Bentsu Ro  
Primary Examiner

Nov. 16, 2005.